

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

<b>CHARLES R. WHITE, JR.</b>	§	
	§	
<b>v.</b>	§	<b>CIVIL ACTION NO. 5:22CV48- RWS-JBB</b>
	§	
<b>SUMMIT ENERGY SERVICES, INC.</b>	§	
<b>and JOSEPH D. EINCK</b>	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND CLOSING CASE**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge J. Boone Baxter pursuant to 28 U.S.C. § 636. On August 1, 2022, the Magistrate Judge issued a Report and Recommendation (Docket No. 19), recommending the above-entitled and numbered cause of action against the remaining Defendant, Joseph D. Einck, be **DISMISSED WITHOUT PREJUDICE** for failure to show cause and for failure to perfect service. The Magistrate Judge further recommended the Court instruct the Clerk of the Court to close the above case.

The Report of the Magistrate Judge which contains his proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. Thus, any aggrieved party is barred from *de novo* review by the district court of the proposed findings and recommendations of the Magistrate Judge.

There being no grounds of plain error or manifest injustice, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

**ORDERED** that Plaintiff Charles R. White, Jr.'s above cause of action against the remaining Defendant, Joseph D. Einck, is **DISMISSED WITHOUT PREJUDICE** for failure to show cause and

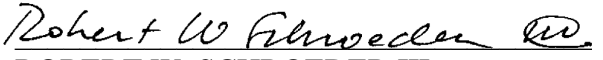
for failure to perfect service.

All relief not previously granted is hereby **DENIED**.

The Clerk of the Court is directed to **CLOSE** the case.<sup>1</sup>

**It is SO ORDERED.**

**SIGNED this 12th day of September, 2022.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> On June 8, 2022, Plaintiff and Summit filed a Stipulation of Dismissal Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), requesting the Court dismiss this case against Summit Energy with prejudice. On June 24, 2022, the Court entered an Order dismissing with prejudice all of Plaintiff's claims against Summit and dismissing with prejudice all of Summit's claims, defenses, or counterclaims for relief against Plaintiff. Docket No. 17. The Court noted the Order of Dismissal had no effect on Plaintiff's claims on the remaining Defendant, Joseph Dr. Einck. Because all remaining claims have now been dismissed, this Order directs the Clerk of the Court to close the above case.